

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

KEN JOHANSEN on behalf of himself :  
and others similarly situated, :

Plaintiff, :

v. :

SANTANNA NATURAL GAS  
CORPORATION, dba SANTANNA  
ENERGY SERVICES, :

Defendant, Third-Party  
Plaintiff :

v. :

LIBERAL UNITED MARKETING,  
INC. a/k/a LIBERAL UNITED  
MARKETING C AND P  
INC. and JACOB T. ADIGWE, :

Third-Party Defendants. :

Case No. 1:17-cv-03604

Honorable John Z. Lee

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**PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES**

Plaintiff Ken Johansen files this motion to compel the Defendant Santanna Natural Gas Corporation d/b/a Santanna Energy Services to provide discovery responses, which were served on January 29, 2018 and only consisted of four requests, but have not been responded to, despite an extension from the Plaintiff, which was only given after the Plaintiff reached out to the Defendant to advise them that the deadline had passed for the responses. The Plaintiff asks that this Court Order Santanna to provide their response within 7 days or waive their objections to the requests. In further support of this motion, the Plaintiff states as follows:

1. Plaintiff has brought this action under the TCPA, a federal statute enacted in response the proliferation of intrusive, nuisance telemarketing practices. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 745 (2012).

2. Plaintiff alleges that Defendant violated the TCPA by the fact that the Third-Party Defendant Liberal United Marketing, Inc. (“Liberal”) made automated telemarketing calls on their behalf.

3. Plaintiff seeks to represent a class of similarly situated individuals who were sent similar telemarketing calls from, or on behalf of, Defendant. Plaintiff’s putative class period is for any calls that were sent within four years prior to the filing of the Complaint through the date of class certification. *See* 28 U.S.C. § 1658(a) (“Except as otherwise provided by law, a civil action arising under an Act of Congress enacted after [December 1, 1990] may not be commenced later than 4 years after the cause of action accrues”); *see also Giovaniello v. ALM Media, LLC*, 726 F.3d 106, 115 (2d Cir. 2013) (four-year statute of limitations applies to private TCPA claims in federal court).

4. The Plaintiff served their second set of discovery requests on January 29, 2018, which seeks to clarify which states and territories Liberal and their marketing entities were authorized to solicit customers for Santanna. *See Exhibit 1*.

5. The requests consist of three interrogatories and one document request. *Id.*

6. The discovery responses were due by March 5, 2018, and no response or request for an extension was requested.

7. On March 12, 2018, counsel for the Plaintiff conferred with opposing counsel regarding the status of these discovery responses, and counsel for the Defendant claimed that they would be provided by March 16, 2018.

8. The discovery responses were not provided on March 16, 2018.

9. Given the party's discovery deadline of May 30, 2018, and the fact that the Plaintiff's expert witness will need this information to complete her report to identify the putative class, the Plaintiff is compelled to bring the instant motion.

WHEREFORE, the Plaintiff asks that this Court Order Santanna to provide their response within 7 days or waive their objections to the request.

**LOCAL RULE 37.2 STATEMENT**

As outlined in this motion, counsel for the Plaintiff attempted in good faith to secure the responses to the Plaintiff's requests, including on March 12 and 20, 2018 in conferences with counsel for the Defendant, Thomas Hayes.

PLAINTIFF,  
By his attorneys

/s/ Anthony I. Paronich  
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CERTIFICATE OF SERVICE

I, hereby certify that on March 22, 2018, I served the foregoing on counsel of record.

/s/ Anthony I. Paronich

Anthony Paronich

BRODERICK & PARONICH, P.C.